

**ZONING HEARING APPLICATION  
MIAMI-DADE COUNTY  
DEPARTMENT OF PLANNING & ZONING**

**RECEIVED**  
207-162  
MAY 07 2007

ZONING HEARINGS SECTION  
MIAMI-DADE PLANNING AND ZONING DEPT.

BY W

LIST ALL FOLIO #S: 30-68-12-000-0320

Date Received

1. **NAME OF APPLICANT** (Owner(s) of record of the property or lessee. If applicant is a lessee, an executed 'Owner's Sworn-to-Consent' and copy of a valid lease for 1 year or more is required. If the applicant is a corporation, trust, partnership, or like entity, a 'Disclosure of Interest' is required).

MAURO E. VARENA

2. **APPLICANT'S MAILING ADDRESS, TELEPHONE NUMBER:**

Mailing Address: 1794 NW 82 AVE

City: DORAL State: FL Zip: 33126 Phone#: (305)592-6244

3. **OWNER'S NAME, MAILING ADDRESS, TELEPHONE NUMBER:**

Owner's Name (Provide name of ALL owners): MAURO VARENA

Mailing Address: 1794 NW 82 AV

City: DORAL State: FL Zip: 33126 Phone#: 305-592-6244

4. **CONTACT PERSON'S INFORMATION:**

Name: PATRICIO MARTINELLI Company: \_\_\_\_\_

Mailing Address: 1717 N BAYSHORE DR. #1641

City: MIAMI State: FL Zip: 33132

Phone#: (305)244-3374 Fax#: (305)679-9927 E-mail: PATRICIO.MARTINELLI@MSN.COM

5. **LEGAL DESCRIPTION OF ALL PROPERTY COVERED BY THE APPLICATION**

(Provide complete legal description, i.e., lot, block, subdivision name, plat book & page number, or metes and bounds. Include section, township, range. If the application contains multiple rezoning requests, a legal description for each requested zone must be provided. Attach separate sheets as needed and clearly label (identify) each legal description attached. In addition to paper version it is requested that lengthy metes and bounds descriptions be provided on diskette or compact disc in Microsoft Word or compatible software.)

THE EAST 1/2 OF THE WEST 1/2 OF THE EAST 1/2 OF THE  
SW 1/4 OF SW 1/4 SECTION 12 TOWNSHIP 56 SOUTH, RANGE 38  
EAST, IN THE COUNTY OF DADE, STATE OF FLORIDA.

6. **ADDRESS OR LOCATION OF PROPERTY** (For location, use description such as NE corner of, etc.)

18475 SW 216 ST, MIAMI FL, 33170

7. **SIZE OF PROPERTY** (in acres): 5 (divide total sq. ft. by 43,560 to obtain acreage)

8. **DATE** property ☒ acquired ☐ leased: MARCH 2007  
(month & year)

9. **Lease term:** \_\_\_\_\_ years

10. IS CONTIGUOUS PROPERTY OWNED BY THE SUBJECT PROPERTY OWNER(S)? yes ☐ no ☒  
If yes, provide complete legal description of said contiguous property.

11. Is there an option to purchase ☐ or lease ☐ the subject property or property contiguous thereto?  
no ☒ yes ☐ (If yes, identify potential purchaser or lessee and complete 'Disclosure of Interest' form)

12. PRESENT ZONING CLASSIFICATION: AU - EU-1

13. APPLICATION REQUESTS (Check all that apply and describe nature of the request in space provided)

☒ District Boundary(zone) Changes [Zone(s) requested]: EU-1

(Provide a separate legal description for each zone requested)

☐ Unusual Use: \_\_\_\_\_

☐ Use Variance: \_\_\_\_\_

☒ Non-Use Variance: lot frontage, lot area

☐ Alternative Site Development: Option: \_\_\_\_\_

☐ Special Exception: \_\_\_\_\_

☐ Modification of previous resolution/plan: \_\_\_\_\_

☐ Modification of Declaration or Covenant: \_\_\_\_\_

14. Has a public hearing been held on this property within the last year & a half? ☒ no ☐ yes.  
If yes, provide applicant's name, date, purpose and result of hearing, and resolution number:

15. Is this application a result of a violation notice? ☒ no ☐ yes. If yes, give name to whom the violation notice was served: \_\_\_\_\_ and describe the violation:

16. Describe structures on the property: \_\_\_\_\_

17. Is there any existing use on the property? ☐ no ☐ yes. If yes, what use and when established?

Use: RESIDENTIAL SINGLE FAMILY Year: \_\_\_\_\_

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BY \_\_\_\_\_

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## RESPONSIBILITIES OF THE APPLICANT

ZONING HEARINGS SECTION  
MIAMI-DADE PLANNING AND ZONING DEPT.

I AM AWARE THAT:

BY \_\_\_\_\_

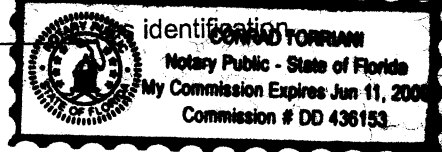
1. The Public Works Department, the Department of Environmental Resources Management (DERM), and other County agencies review and critique zoning hearing applications which may affect the scheduling and outcome of my hearing. These reviews may require additional hearings before DERM's Environmental Quality Control Board (EQCB), or other County boards, and/or the proffering of agreements to be recorded. I am also aware that I must comply promptly with any DERM or Public Works conditions and advise this office in writing if my application will be withdrawn.
2. Filing fees may not be the total cost of a hearing. Some requests require notices to be mailed to property owners up to a mile from the subject property and I am responsible for paying the additional radius mailing costs. In addition to mailing costs, I am responsible for additional fees related to application changes, plan revisions, deferrals, re-advertising, etc., that may be incurred. I understand that fees must be paid promptly. Applications withdrawn within 60 days of the filing are eligible for a refund of 50% of the hearing fee but after that time hearings withdrawn or returned will be ineligible for a refund. Refunds must be requested in writing.
3. The South Florida Building code requirements may affect my ability to obtain a building permit even if my zoning application is approved; and a building permit will probably be required. I am responsible for obtaining any required permits and inspections for all structures and additions proposed, or built without permits. And that a Certificate of Use (C.U.) must be obtained for the use of the property after it has been approved at Zoning Hearing. Failure to obtain the required permits and/or C.U., Certificates of Completion (C.C.) or Certificate of Occupancy (C.O.) will result in enforcement action against any occupant and owner. Submittal of the Zoning Hearing application may not forestall enforcement action against the property.
4. The 3<sup>rd</sup> District Court of Appeal has ruled that zoning applications inconsistent with the Comprehensive Development Master Plan (CDMP) cannot be approved by a zoning board based upon considerations of fundamental fairness. Therefore, I acknowledge that if the hearing request is inconsistent with the CDMP and I decide to go forward then my hearing request can only be denied or deferred, but not approved.
5. In Miami-Dade County v. Ominpoint Holdings, Inc., Case No. 3D01-2347 (Fla. 3<sup>rd</sup> DCA 2002), the 3<sup>rd</sup> District Court of Appeal has held invalid the standards for non-use variances, special exceptions, unusual uses, new uses requiring a public hearing and modification of conditions and covenants. The County Attorney's Office is seeking review of the decision in the Florida Supreme Court, as well as a stay of the decision's effect. While the case is pending, the decision is in effect and binding on all parties. Its impact is to suspend consideration of zoning applications for most special exceptions, unusual uses, non-use variances, and modification of conditions and covenants. In the interim, County staff have developed and proposed to the Board of County Commissioners certain ordinances that would provide interim standards for limited categories of applications. If these standards are enacted, certain applications may be able to proceed to hearing. However, absent a reversal by the courts or enactment of revised regulations, pending applications will not be able to proceed to hearing until the disposition of the pending litigation.
6. Any covenant to be proffered must be submitted to the Department's Legal Advisor, on County form, at least 1 month prior to the hearing date. The covenant will be reviewed and the applicant will be notified if changes or corrections are necessary. Once the covenant is acceptable, the applicant is responsible to submit the executed covenant with a current 'Opinion of Title' within 1 week of the hearing. Legal Advisor can advise as to additional requirements applicable to foreign corporations. Documents submitted to Legal Advisor must carry a cover letter indicating subject matter, application number and hearing date. Legal Advisor may be reached at (305) 375-3075.

(Applicant's Signature)

MAURO E. VARENA  
(Print Name)

Sworn to and subscribed before me this 5TH day of April, 2007. Affiant is personally known to me or has produced known to me

(Notary Public)  
My commission expires 6/11/2009



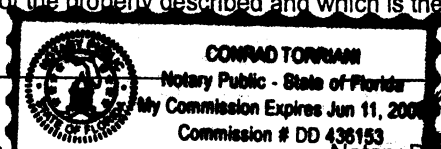
**APPLICANT'S AFFIDAVIT**

The Undersigned, first being duly sworn depose that all answers to the questions in this application, and all supplementary documents made a part of the application are honest and true to the best of (my)(our) knowledge and belief. (I)(We) understand this application must be complete and accurate before the application can be submitted and the hearing advertised.

OWNER OR TENANT AFFIDAVIT

(I)(WE), MAURIO E. VARENA, being first duly sworn, depose and say that (I am)(we are) the ☐ owner ☐ tenant of the property described and which is the subject matter of the proposed hearing.

M  
Signature



[Signature]  
Signature

Sworn to and subscribed to before me  
this 31<sup>st</sup> day of April, 2007.

Notary Public: CONRAD TORRANI

Commission Expires: 6/11/09

CORPORATION AFFIDAVIT

(I)(WE), \_\_\_\_\_, being first duly sworn, depose and say that (I am)(we are) the ☐ President ☐ Vice-President ☐ Secretary ☐ Asst. Secretary of the aforesaid corporation, and as such, have been authorized by the corporation to file this application for public hearing; and that said corporation is the ☐ owner ☐ tenant of the property described herein and which is the subject matter of the proposed hearing.

Attest: \_\_\_\_\_

\_\_\_\_\_  
Authorized Signature

Office Held

(Corp. Seal)



Sworn to and subscribed to before me  
this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

Notary Public: \_\_\_\_\_

Commission Expires: \_\_\_\_\_

ZONING HEARINGS SECTION  
MIAMI-DADE PLANNING AND ZONING DEPT.

BY [Signature]

PARTNERSHIP AFFIDAVIT

(I)(WE), \_\_\_\_\_, being first duly sworn, depose and say that (I am)(we are) partners of the hereinafter named partnership, and as such, have been authorized to file this application for a public hearing; and that said partnership is the ☐ owner ☐ tenant of the property described herein which is the subject matter of the proposed hearing.

By \_\_\_\_\_ %  
By \_\_\_\_\_ %

\_\_\_\_\_  
(Name of Partnership)

By \_\_\_\_\_ %  
By \_\_\_\_\_ %

Sworn to and subscribed to before me  
this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

Notary Public: \_\_\_\_\_

Commission Expires: \_\_\_\_\_

ATTORNEY AFFIDAVIT

I, \_\_\_\_\_, being first duly sworn, depose and say that I am a State of Florida Attorney at Law, and I am the Attorney for the Owner of the property described and which is the subject matter of the proposed hearing.

\_\_\_\_\_  
Signature

Sworn to and subscribed to before me  
this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

Notary Public: \_\_\_\_\_

Commission Expires: \_\_\_\_\_

OWNERSHIP AFFIDAVIT  
FOR  
INDIVIDUAL

STATE OF FLORIDA

Public Hearing No. \_\_\_\_\_

COUNTY OF MIAMI DADE

Before me, the undersigned authority, personally appeared MAURO VARELA hereinafter the Affiant, who being duly sworn by me, on oath, deposes and says:

1. Affiant is the fee owner of the property, which is the subject of the proposed hearing.
2. The subject property is legally described as:  
THE EAST 1/2 OF THE WEST 1/2 OF THE EAST 1/2 OF THE  
SW 1/4 OF SW 1/4 SECTION 12 TOWNSHIP 56 SOUTH, RANGE 38  
EAST, IN THE COUNTY OF DADE, STATE OF FLORIDA.
3. Affiant understands this affidavit is subject to the penalties of law for perjury and the possibility of voiding of any zoning granted at public hearing.

Witnesses:

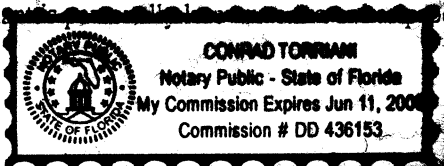
Gladys Martinelli  
Signature  
GLADYS MARTINELLI  
Print Name

MAURO VARELA  
Affiant's signature  
MAURO VARELA  
Print Name

\_\_\_\_\_  
Signature  
\_\_\_\_\_  
Print Name

Sworn to and subscribed before me on the 5TH day of APRIL, 2007.

Affiant's signature produced KNOWS TO ME. as identification.



CONRAD TORRIANI  
Notary Public Signature  
CONRAD TORRIANI  
Print Name

State of FLORIDA

My Commission Expires: 6/11/09

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POWER OF ATTORNEY  
FOR  
PUBLIC HEARING

I THE UNDERSIGNED, do by these presents hereby make, constitute and appoint DABICIO MARTINELLI of the County of MIAMI DADE and the State of FLORIDA, true and lawful Attorney-in-Fact for me and in my name, place, stead, to sign on my behalf, and do all acts necessary, including speak at a public hearing in furtherance of an application for Public Hearing No. \_\_\_\_\_ with the Miami-Dade County Department of Planning and Zoning. (Explain nature of hearing).

concerning the property described as:

18479 SW 216 ST  
MIAMI, FL 33170

Granting and giving unto said Attorney-in-Fact, full authority and power to do and perform any and all acts necessary or incident to the performance and execution of the powers herein above expressly granted, with power to do and perform all acts authorized hereby, as fully to all intents and purposes as the grantor might or could do if personally present, with full power of substitution.

Signed, witnessed, executed and acknowledged on this \_\_\_\_\_ day of \_\_\_\_\_.

WITNESSES:

Signature \_\_\_\_\_

Print Name DAVID MARTINELLI

Signature \_\_\_\_\_

Print Name GLADYS MARTINELLI

Individual Signature \_\_\_\_\_

Print Name MAURO VARELA

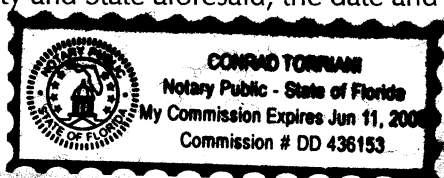
Address: \_\_\_\_\_

1794 NW 82 AV  
DORAL, FL 33126

STATE OF FLORIDA  
COUNTY OF MIAMI-DADE

The foregoing instrument was acknowledged before me by MAURO VARELA, who is personally known to me or has produced PERSONAL KNOWLEDGE identification.

Witness my signature and official seal this 24th day of April, 2007 in the County and State aforesaid, the date and year last aforesaid.



My Commission Expires: 6/11/2009

Notary Public-State of FLORIDA

CONRAD TORNIANI

Print Name

## REQUEST FOR LEGAL DESCRIPTION CHECK (Part A)

Appl. No.: Z

Sec: \_\_\_\_\_ Twp: \_\_\_\_\_ Rge: \_\_\_\_\_

Processor: \_\_\_\_\_

CZAB #: \_\_\_\_\_ BCC \_\_\_\_\_

### TYPE OR PRINT ALL INFORMATION – ALL FOLIO NUMBERS REQUIRED

1. FOLIO NUMBER(S) OF SUBJECT PROPERTY (List all folio numbers comprising the subject property)

30-6812-000-0320

2. NAME OF APPLICANT (Property Owner or Lessee with Owner's Sworn-to-Consent)

MAURO. E. VARENA.

3. LEGAL DESCRIPTION OF ALL PROPERTY COVERED BY THE APPLICATION

Provide complete legal description, i.e., lot, block, subdivision name, plat book & page number, or metes and bounds. Include section, township, range. If application contains requests for multiple zone changes, provide the legal description for each area. Attach separate sheet(s), as needed.

THE EAST 1/2 OF  
THE WEST 1/2 OF THE EAST 1/2 OF THE SOUTHWEST  
1/4 OF THE SOUTHWEST 1/4 SECTION 12 TOWNSHIP 56  
SOUTH, RANGE 38 EAST, IN THE COUNTY OF DADE, STATE  
OF FLORIDA.

4. ADDRESS OR LOCATION OF PROPERTY (For location, use description such as NE corner of, etc.)

18475 SW 216 ST Miami FL, 33170

5. SIZE OF PROPERTY 167.05 x 1337.55 (in acres): 5.12

(divide total sq. ft. by 43,560 to obtain acreage)

6. IF CONTIGUOUS PROPERTY IS OWNED BY THE SUBJECT PROPERTY OWNER(S), provide complete legal description of said contiguous property. (If attaching separate sheet, clearly label as contiguous property)

Sec.	Twp.	Range

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BY W

INDIVIDUAL'S  
POWER OF ATTORNEY FOR  
PUBLIC HEARING

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207-162  
OCT 02 2007

ZONING HEARINGS SECTION  
MIAMI-DADE PLANNING AND ZONING DEPT.

BY ✓  
I THE UNDERSIGNED, do by these presents hereby make, constitute and appoint  
RICK D. RUIZ of the County of MIAMI DADE and the  
State of FLORIDA, true and lawful Attorney-in-Fact for me and in my name,  
place, stead, to sign on my behalf, and do all acts necessary, including speak at a public hearing in  
furtherance of an application for Public Hearing No. 07162 with Miami-Dade County for a  
hearing before the Community Zoning Appeals Board or County Commission of Miami-Dade  
County. (Explain nature of hearing).

concerning the property described as:

folio # 30-6812-000-0320 18475 SW 216 ST Miami, FL  
33170

Granting and giving unto said Attorney-in-Fact, full authority and power to do and perform  
any and all acts necessary or incident to the performance and execution of the powers herein above  
expressly granted, with power to do and perform all acts authorized hereby, as fully to all intents  
and purposes as the grantor might or could do if personally present, with full power of substitution.

Signed, witnessed, executed and acknowledged on this 2ND day of OCTOBER, 2007.

WITNESSES:

Signature PATRICK MARTINELLI  
Print Name

Signature  
Print Name

Individual Signature

MAURO VARENA  
Print Name

Address:

18475 SW 216 ST  
MIAMI FL 33170

STATE OF FLORIDA

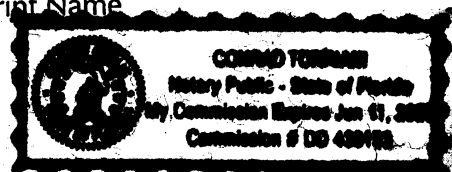
COUNTY OF MIAMI DADE

The foregoing instrument was acknowledged before me by MAURO VARENA  
FLA. DR. LIC., who is personally known to me or has produced  
FLA. DR. LIC., as identification.

Witness my signature and official seal this 2ND day of OCTOBER, 2007, in the  
County and State aforesaid.

Notary Public-State of FLORIDA  
CONRAD TORRES  
Print Name

My Commission Expires: 6/11/09



PO#436153